

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services

3. DATE:
September 22, 2008

4. SUBJECT:

Drainage easement vacation within a portion of Lots 8, 15 and 16, Block 6 of Map 1216 of La Jolla Strand

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
G. Bollenbach Ext. 65417 MS 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STATION)
Greg Hopkins Ext. 65291 MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8.COMPLET FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	9/23/08	5	DEPUTY CHIEF	<i>[Signature]</i>	9/23/08
2	EAS	<i>[Signature]</i>	9/26/08				
3	REAL ESTATE ASSETS	<i>[Signature]</i>	10/2/08	6	CITY ATTORNEY	<i>[Signature]</i>	10/27/08
4	LIAISON OFFICE	<i>[Signature]</i>	10/7/08	7	ORIG. DEPT	<i>[Signature]</i>	10/28/08
					DOCKET COORD: _____	COUNCIL LIAISON <i>[Signature]</i>	11/4/08
				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
					<i>[Signature]</i>	<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: 11/18/08

11. PREPARATION OF: **X RESOLUTIONS** ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1. Authorizing the vacation of an unneeded drainage easement within Lots 8, 15 and 16, Block 6 of Map 1216 of La Jolla Strand as shown on Engineering Drawing No. 20321-B.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): LA JOLLA

ENVIRONMENTAL IMPACT: THIS ACTIVITY IS ~~NOT~~ ^{NOT} SUBJECT TO CEQA PURSUANT TO SECTION 15060(C) (3) OF THE STATE CEQA GUIDELINES (THE ACTIVITY IS NOT A PROJECT AS DEFINED IN SECTION 15378)

HOUSING IMPACT: NONE

OTHER ISSUES: NONE

ATTACHMENTS: VICINITY MAP, 20321-B, LEGAL DESCRIPTION

WORK ORDER NO. 423996 PTS NO. 62353

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: September 22, 2008

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services
SUBJECT: Drainage Easement Vacation
COUNCIL DISTRICT(S): 1
STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval for the vacation of an unneeded drainage easement within portions of Lots 8, 15 and 16, Block 6 of Map No. 1216 of La Jolla Strand as shown on Engineering Drawing No. 20321-B.

STAFF RECOMMENDATION:

Approve the easement vacation

EXECUTIVE SUMMARY:

This drainage easement vacation is located in the La Jolla Community Plan area, on the east side of La Jolla Boulevard north of Gravilla Street. It is proposed to construct a three-story hotel building with an underground parking structure. At the time of construction, the existing storm drain will be demolished. This project consists of vacating an unneeded drainage easement required for site development that was granted at no cost to the City per deed recorded December 13, 1928 in Book 1564, Page 154 of Deeds. According to as-built improvement plan numbers 2763-D and 10426-D, the storm drain connection to the existing storm drain onto subject property was abandoned approximately 50 years ago. Currently, drainage on Electric Avenue, on the east side of the property, is directed into an existing catch basin in the middle of the street (Engineering Drawing No. 10426-D) and is piped northerly to an existing 45-inch RCP draining to the west. The subject property currently sheet flows to the west onto La Jolla Boulevard. The existing facilities located within this easement have been superseded with a new drainage system as shown on Engineering Drawing No. 33508-D. There are no other public facilities located within the easement, and there is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

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COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

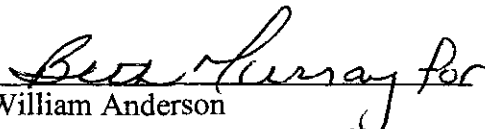
On August 4, 2005 the La Jolla Community Planning Association approved this project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

La Jolla Palms Limited Partnership

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal line.

Kelly G. Broughton
Director
Development Services Department

A handwritten signature in black ink, appearing to read 'Bill Anderson' with a stylized flourish at the end.

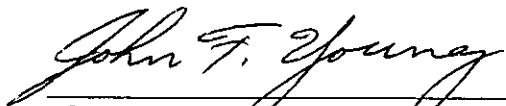
William Anderson
Deputy Chief Operations Officer:
Executive Director of City Planning and
Development

001545

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
STORM DRAIN EASEMENT VACATION

ALL OF EXISTING EASEMENT FOR STORM DRAIN PIPE IN FAVOR OF THE CITY OF SAN DIEGO PER DOCUMENT RECORDED DECEMBER 13, 1928, IN BOOK 1564, PAGE 154 OF DEEDS, LYING WITHIN PORTIONS OF LOTS 8, 15 AND 16 IN BLOCK 6 OF LA JOLLA STRAND, ACCORDING TO MAP THEREOF NO. 1216, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON OCTOBER 18, 1909, BEING IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.



JOHN F. YOUNG, PLS 4665
LIC. EXPIRES: 09-30-08

6/02/08
DATE

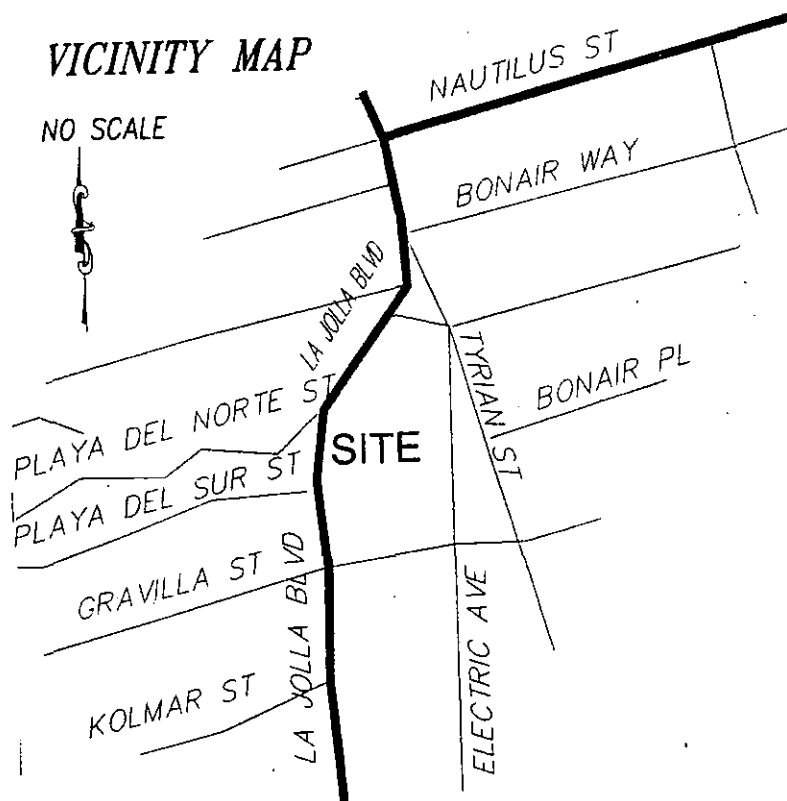


DWG. NO. 20321-B
P.T.S. 62353
J.O. NO. 423996

001547

DRAINAGE EASEMENT VACATION

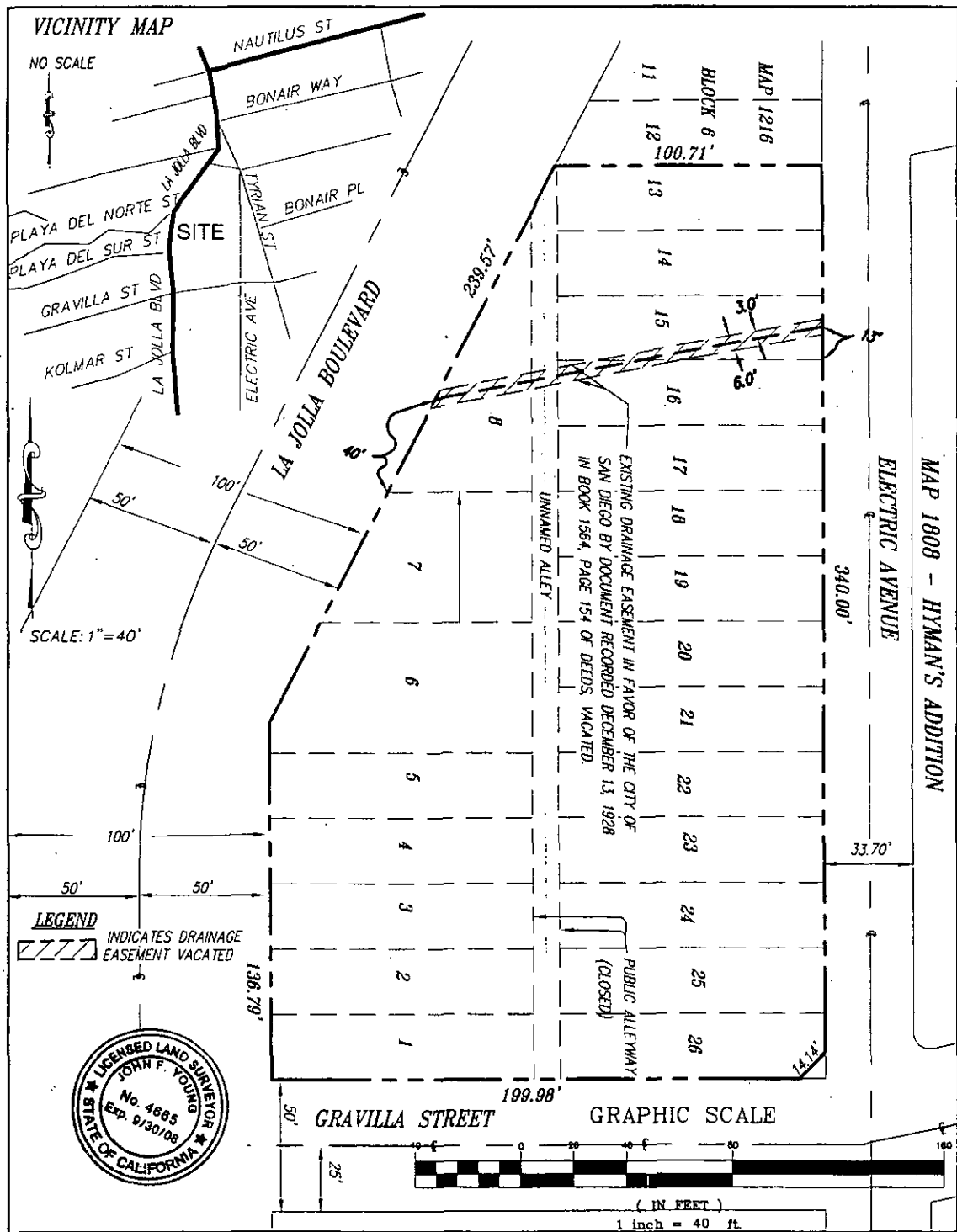
VICINITY MAP



W.O. # 423996 PTS No. 62353

001549

EXHIBIT "B"



CONSTRUCTION TESTING & ENGINEERING, INC.
PLANNING - CIVIL ENGINEERING - LAND SURVEYING - GEOTECHNICAL
1445 MONTIEL ROAD, SUITE 115 ESCOBEDO, CA. 92026, PH: (619) 546-4555
John F. Young 7/2/08
JOHN F. YOUNG, PLS 4685, EXP 9/30/08

DRAINAGE EASEMENT VACATION WITHIN A PORTION OF LOTS 8, 15 AND 16 OF MAP 1216 OF LA JOLLA STRAND

DESCRIPTION	BY:	APPROVED:	DATE	FILED	CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	P.T.S. NO. 62353
ORIGINAL	✓	J.M.	7/14		<i>Original</i> 7/15/08 FOR CITY ENGINEER DATE	J.O. NO. 423996
						1882-6243
						CCS (NAD 83)
						242-1683
						LAMBERT COORDINATES
						20321 - B
STATUS						

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING FOR THE VACATION OF AN UNNEEDED DRAINAGE EASEMENT WITHIN PORTIONS OF LOT 8, 15 AND 16, BLOCK 6 OF MAP NO. 1216 OF LA JOLLA STRAND.

WHEREAS, California Streets and Highways Code 8300 et seq. (and specifically Sections 8333 and 8335), and San Diego Municipal Code Section 125.1010(c) provides a procedure for the summary abandonment or vacation of public service easements by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary drainage easement within portions of Lots 8, 15 and 16, Block 6 of Map 1216 of La Jolla Strand as depicted on Engineering Drawing No. 20321-B to unencumber his property. Said drainage easement [easement] is located in the La Jolla Community Plan area, on the east side of La Jolla Boulevard north of Gravilla Street; and

WHEREAS, the existing public utility facilities located within the easement to be abandoned have been superseded with a new drain as shown on Engineering Drawing No. 33508-D; and

WHEREAS, there are no other public facilities located within the easement to be abandoned, and there is no present or prospective public use of the existing easement in its present location; and

001552

WHEREAS, this action is not a project as defined in Section 15378, and therefore exempt from California Environmental Quality Act [CEQA], pursuant to State CEQA Guidelines Section 15060(b)(3); and.

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego finds that:

1. The drainage easement to be abandoned herein does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment.
2. The easement has been superseded by relocation and there are no other public facilities located within the easement.
3. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.
4. The public will benefit from the action through improved utilization of the land made available by the abandonment.
5. The abandonment is consistent with any applicable land use plan; and

001553

6. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

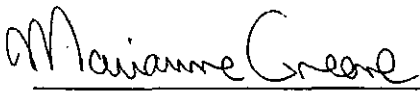
BE IT FURTHER RESOLVED, by the Council of the City of San Diego finds as follows:

1. That the drainage easement located within Lot 8, 15 and 16, Block 6 of Map 1216 of La Jolla Strand as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20321-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- _____, and RR- _____ which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

2. That the City Clerk shall cause a certified copy of this resolution, with attached Exhibits, attested by her under seal, to be recorded in the office of the County Recorder. From and after the date of recordation of this Resolution, the abandoned public service easement shall no longer constitute a public service easement. Upon such recordation, the abandonment is complete.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Marianne Greene
Deputy City Attorney

MG:als
10/27/08
Or.Dept:DSD
R-2009-534
MMS#6953